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REMARKS

Reconsideration and further examination is respectfully requested. Claims 1-27 are pending, of which claims 1, 7, 10, 11, 12, 15, 16, 17, 23, 26 and 27 are independent claims. Claims 1-27 were rejected, and claims 1 and 11 were objected to. Claims 1, 7, 10, 11, 12, 15, 16, 17, 23, 26 and 27 are currently amended. The specification has been amended in accordance with the Examiner's comments in the Office Action.

The Examiner rejected claims 7-9, 15 and 16 under 35 USC §102 based on Floyd, and rejected claims 1-6, 12-14 and 17-22 under 35 USC §103 over Floyd in view of Lauer, and claims 10, 11 and 23-27 rejected under 35 USC §103 over Floyd. Applicant submits that these rejections are moot in view of the amendments to the claims. In particular, the claims have been amended to recite automated recalculation of the control function. Claim 1, for example, distinguishes the cited references by reciting "automatically recalculating the control function during operation." Similarly, claim 7 recites "redefining the control function at various points in time during operation," and claim 10 recites "recalculating the control function at points in time selected based, at least in-part, upon input data concerning traffic characteristics." Each of the independent claims recites a distinguishing limitation similar to these examples with regard to claims 1, 7 and 10. In contrast, the cited references teach and suggest static configurations which might perform adequately for modeled conditions but fail to readjust the function that determines drop rate during operation. As discussed in the Background section of this application, static configuration control functions are typically set manually by a system administrator by trial-and-error, resulting in potentially unstable and inadequate performance. Support for the amendments to the claims is in the specification at pages 6-7, and also in the text related to Fig. 10 starting at

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page 12. In view of the above, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-27.

Claims 1 and 11 were objected to because of a typographical errors. Those errors have been corrected in accordance with the Examiner's comments. Applicant thanks the Examiner for drawing the errors to the attention of the Applicant.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

7 May 2004  
Date

  
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